IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL

Criminal Misc. Application N. 578 of 2005

Manoj Sharma S/o Mahendra Sharma
R/o 109-D Nehru Colony,
Dehradun

….Applicant.

Versus

1. State of Uttaranchal, though
   Home Secretary, Uttaranchal
   Dehradun
2. Sri Ravindera Pandey Varisth Karyakari Adhikari
   Rajya Sampatti Vibhag, Dehradun ….Opp. Parties.

Hon'ble B.C. Kandpal, J.

By way of this petition under Section 482 Cr.P.C., a prayer has been sought for quashing the criminal case No. 1717 of 2005 State Vs Rajender Singh Verma & others under Sections 34/452/307/420 I.P.C. and 7 Criminal Law (Amendment) Act, Police Station Dalanwala, District Dehradun pending before the Chief Judicial Magistrate, Dehradun.

Brief facts giving rise to this petition are that the First Information Report was lodged at the police station that the petitioner along with his other associates entered in the "premises of the legislators" situate at Race Course, Dehradun and shot fire in order to terrorise the inhabitants living therein.

Heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner has argued that no prima facie case under section 452/34/307/420 I.P.C. and Section 7 Criminal Law Amendment Act is made out against the petitioner.

On the perusal of the First Information Report as well as the other papers pertaining to the present case which have been filed by the petitioner, I do not find any ground which may suggest that there is a serious miscarriage of justice and abuse of process of the court.

The petitioner may raise all these contentions before the court below as all these contentions are question of facts which can only be

seen by the trial court. I do not find any ground for interference in the proceeding pending before the court below by way of exercising the inherent jurisdiction under Section 482 Cr.P.C.

Accordingly, the petition is dismissed in limine.

It is requested by the learned counsel for the petitioner that in case, if the petitioner appears before the court below for obtaining bail, his bail may be considered by the court concerned on the same day.

I however, direct that in case, if the petitioner appears before the court below for obtaining the bail, his bail should be decided by the court concerned expeditiously.

(B.C. Kandpal, J)

06.09.2005

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